

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARCUS THORNTON,	:	
	:	Civil Action No. 06-4727 (RBK)
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
JOHN NASH, et al.,	:	
	:	
Defendants.	:	

THIS MATTER having come before the Court by motion of plaintiff (Docket Entry No. 12), seeking reconsideration of this Court's Opinion and Order of February 5, 2007, in which the Court dismissed plaintiff's Complaint as against the named defendant, the United States; and the Court having reviewed the motion papers submitted by plaintiff; and for the reasons discussed in the accompanying Opinion;

IT IS on this 21st day of November, 2007,

ORDERED that plaintiff's motion (Docket Entry No. 12) for reconsideration is hereby **GRANTED**; and it is further

ORDERED that the portion or part of this Court's February 5, 2007 Opinion and Order, in which the United States was dismissed as a defendant on sovereign immunity grounds, is hereby **VACATED** and the United States shall be **REINSTATED** as a defendant in this action; and it is further

ORDERED that plaintiff's submission dated February 18, 2007 (Docket Entry No. 12) shall be deemed an amendment to his Complaint asserting a claim under the Federal Tort Claims Act; and it is further

ORDERED that the Clerk of the Court shall issue summons, and the United States Marshal shall serve a copy of the Complaint, amendment to the Complaint (Docket Entry No. 12), summons, and this Order upon all named defendants, pursuant to 28 U.S.C. § 1915(d), with all costs of service advanced by the United States; and it is further

ORDERED that the defendants shall file and serve a responsive pleading within the time specified in Federal Rule of Civil Procedure 12, pursuant to 42 U.S.C. § 1997e(g)(2); and it is finally

ORDERED that the Clerk shall serve this Order upon the petitioner.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge